

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEX KOSNICKI,

Plaintiff,

v.

TODD JAKOBSON, et al.,

Defendants.

CASE NO. C15-193 MJP

ORDER ON OBJECTIONS TO
REPORT AND
RECOMMENDATION

THIS MATTER comes before the Court on Magistrate Judge Donohue's Report and Recommendation regarding Plaintiff's amended § 1983 complaint and related motion for a stay. (Dkt. No. 9.) Plaintiff objects solely to the section of the Report and Recommendation recommending against a stay. (Dkt. No. 10.) As Judge Donohue explained, a cause of action for damages attributable to an allegedly unconstitutional conviction or sentence "does not accrue until the conviction or sentence has been invalidated." (Dkt. No. 9 at 5 (quoting Heck v. Humphrey, 512 U.S. 477, 490 (1994)).) Plaintiff cannot even state a claim until his § 2255 is resolved in his favor, so a stay while he waits for a ruling in the § 2255 would be inappropriate. The Report and Recommendation is therefore ADOPTED in full, the action is DISMISSED

1 without prejudice so that Plaintiff can satisfy the Heck pleading requirements in the future, and
2 the motion for a stay is DENIED.

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4 The clerk is ordered to provide copies of this order to all counsel.

5 Dated this 3rd day of June, 2015.

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8 Marsha J. Pechman
9 Chief United States District Judge
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